

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

LINDA DANIELSON,
Plaintiff,

v.

HAUGE & ASSOCIATES,
Defendant.

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No. _____

COMPLAINT

Plaintiff Linda Danielson, by her attorney Ray Johnson, for her claims against the Defendant states:

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff is a natural person residing in Des Moines, Iowa.
4. Defendant, Hauge & Associates, is a business engaged in the collection of debts in the state of Iowa.

5. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. Hauge & Associates has a pending lawsuit with Danielson about an alleged debt, and Danielson sought help from the Johnson Law Firm who filed an answer.
7. Hauge & Associates has been calling Danielson in attempt to collect an alleged debt, including calling her while at work. She requested Hauge stop calling while she is at work.
8. Subsequently, Danielson received a phone call from a representative of Hauge & Associates, and she informed the representative that she has an attorney, and to stop contacting her. She provided her attorney's contact information.
9. On or about December 5, 2013, Danielson received 2 phone calls from Hauge & Associates while she was at work. She took the second call that came during her break, informed a representative that she was confused about why they were calling her again after she had given them her attorney's contact information.
10. The representative told her he knew she was represented by "Johnson Law Firm," yet indicated that it was okay for him to contact her about new collections.

V. FIRST CLAIM FOR RELIEF

11. All facts and allegations of this Complaint are incorporated herein by reference.

12. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:
- a. Hauge & Associates violated 15 U.S.C. § 1692c(a)(1) by contacting Danielson at a time and place known to be inconvenient.
 - b. Hauge & Associates violated 15 U.S.C § 1692c(a)(2) by contacting Danielson when it knew she was represented by an attorney, and had the attorney's contact information.
 - c. Hauge & Associates violated 15 U.S.C. § 1692c(a)(3) by contacting the consumer at her place of employment when it knew, or should have known, the employer prohibits such communication.
13. As a result of the above violations of the FDCPA, the Defendant is liable to the Plaintiff for a declaratory judgment that Defendant's conduct violated the FDCPA, and for Plaintiff's statutory damages, actual damages, costs and attorney's fees.

VI. SECOND CLAIM FOR RELIEF

14. All facts and allegations of this complaint are incorporated herein by reference.
15. Hauge & Associates is a "creditor" as defined in Iowa Code § 537.7102(2).
16. The alleged obligation of Plaintiff to Hauge & Associates is a "debt" as defined by Iowa Code § 537.7102(3).
17. Defendant is a "debt collector" engaged in "debt collection" as defined by Iowa Code §§ 537.7102(4) and (5).

18. The foregoing acts, omissions and practices of the Defendant are violations of Iowa Code § 537.7103, including but not limited to:

- a. Defendant violated Iowa Code § 537.7103(1)(f) by taking actions prohibited by this chapter or any other law.
- b. Defendant violated Iowa Code § 537.7103(5)(e) by contacting the Plaintiff after the Defendant knew the Plaintiff was represented by an attorney.

19. As a result of the above violations of the Iowa Code, the Defendant is liable to the Plaintiff for statutory damages, actual damages, costs and attorney's fees.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against the defendant for actual damages, statutory damages, costs, attorney's fees and any other relief the Court deems appropriate in the circumstances.

Respectfully submitted,



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